

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6500 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PRATHIBHA M LAVANE

Versus

STATE OF GUJARAT

Appearance:

MR NK MAJMUDAR for Petitioners

MR BY MANKAD for Respondent No. 1

MR SM MAZGAONKAR for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 28/04/99

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. The appointments on the posts of Primary Teachers in the District Panchayat are regulated under the Gujarat Panchayat Services (Recruitment of Primary Teachers) Rules, 1970. Rule 4 of the said rules provides for the qualifications to be possessed by the candidate for his

appointment as Primary Teacher, which are as under:

- (1) Secondary School Certificate Examination of the Gujarat S.S.C. Board together with certificate of Primary Teachers Certificate Examination.
- (2) Primary School Certificate Examination together with a certificate of Primary Teachers Certificate Examination.

3. It is not in dispute that in the State of Gujarat, the qualification of Primary Teachers Certificate Examination in Marathi is being granted by different institutions. The petitioner possessed the qualification of Diploma in Education (Marathi) from the Maharashtra Government and that has not be taken to be equivalent to the qualification of P.T.C. (Marathi) of Gujarat Govt.. Reference has been made to the resolution of the Government of the year 1978 but in view of the subsequent Government resolution dated 14th July, 1983, it is difficult to accept that, that this resolution still holds the field. When the candidates with the qualification of P.T.C. (Marathi) of Gujarat Government are available then the candidates possessing the qualification of other State are not being given preference, to which no exception can be taken.

4. It is correct that in the advertisement inviting the applications, this qualification of Diploma in Education (Marathi) was stated to be permissible qualification but it was a mistake which has been rectified by the State Government as being contrary to rules. It is not the case where the rule provides for P.T.C. or its equivalent qualification. Even if it is taken that the resolution of 1978 is there but where the rules nowhere contemplates for equivalent qualification then that is also of little help to the petitioner. Learned counsel for the petitioner admits that none of the candidate possessing the qualification of Diploma in Education (Marathi) has been given the appointment in response to the first or second advertisement. The petitioner's candidature has rightly not been considered for appointment on the post of Primary Teacher in the District Panchayat as she was not possessing the requisite qualification for appointment on this post as provided under the statutory rules.

5. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this court stands vacated. No order as to costs.

zgs/-